

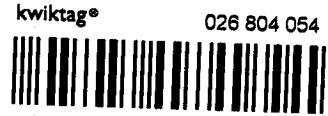
PUBLIC MATTER

FILED ^{LDS}

DEC - 5 2002

STATE BAR COURT CLERK'S OFFICE
SAN FRANCISCO

THE STATE BAR OF CALIFORNIA
OFFICE OF THE CHIEF TRIAL COUNSEL
ESTHER ROGERS, No. 148246
180 Howard Street
San Francisco, California 94105
Telephone: (415) 538-2000



THE STATE BAR

HEARING DEPARTMENT - SAN FRANCISCO

In the Matter of)	Case No. 02-N-14898
THOMAS C. CRENSHAW,)	NOTICE OF DISCIPLINARY CHARGES
No. 87285)	
A Member of the State Bar.)	

NOTICE - FAILURE TO RESPOND!

IF YOU FAIL TO FILE AN ANSWER TO THIS NOTICE WITHIN THE TIME ALLOWED BY STATE BAR RULES, INCLUDING EXTENSIONS, OR IF YOU FAIL TO APPEAR AT THE STATE BAR COURT TRIAL, (1) YOUR DEFAULT SHALL BE ENTERED, (2) YOU SHALL BE ENROLLED AS AN INACTIVE MEMBER OF THE STATE BAR AND WILL NOT BE PERMITTED TO PRACTICE LAW UNLESS THE DEFAULT IS SET ASIDE ON MOTION TIMELY MADE UNDER THE RULES OF PROCEDURE OF THE STATE BAR, (3) YOU SHALL NOT BE PERMITTED TO PARTICIPATE FURTHER IN THESE PROCEEDINGS UNLESS YOUR DEFAULT IS SET ASIDE, AND (4) YOU SHALL BE SUBJECT TO ADDITIONAL DISCIPLINE.

STATE BAR RULES REQUIRE YOU TO FILE YOUR WRITTEN RESPONSE TO THIS NOTICE WITHIN TWENTY DAYS AFTER SERVICE.

IF YOUR DEFAULT IS ENTERED AND THE DISCIPLINE IMPOSED BY THE SUPREME COURT IN THIS PROCEEDING INCLUDES A PERIOD OF ACTUAL SUSPENSION, YOU WILL REMAIN SUSPENDED FROM THE PRACTICE OF LAW FOR AT LEAST THE PERIOD OF TIME SPECIFIED BY THE SUPREME COURT. IN ADDITION, THE ACTUAL SUSPENSION WILL CONTINUE UNTIL YOU HAVE REQUESTED, AND THE STATE BAR COURT HAS GRANTED, A MOTION FOR TERMINATION OF THE ACTUAL SUSPENSION. AS A CONDITION FOR TERMINATING THE ACTUAL SUSPENSION, THE STATE BAR COURT MAY PLACE YOU ON

1 **PROBATION AND REQUIRE YOU TO COMPLY WITH SUCH**
2 **CONDITIONS OF PROBATION AS THE STATE BAR COURT DEEMS**
3 **APPROPRIATE. SEE RULE 205, RULES OF PROCEDURE FOR STATE**
4 **BAR COURT PROCEEDINGS.**

5 The State Bar of California alleges:

6 JURISDICTION

7 1. THOMAS C. CRENSHAW ("Respondent") was admitted to the practice of law in the
8 State of California on August 3, 1979, was a member at all times pertinent to these charges, and is
9 currently a member of the State Bar of California.

10 COUNT ONE

11 Case No. 02-N-14898
12 Business and Professions Code, section 6103
13 [Violation of a Court Order]

14 2. Respondent violated Business and Professions Code section 6103 by wilfully
15 disobeying or violating an order of the court requiring him to do or forbear an act connected with
16 or in the course of Respondent's profession which he ought in good faith to do or forbear, as
17 follows:

18 3. On July 25, 2002, the California Supreme Court filed Order No. SO16743 (State
19 Bar Court Case Nos. 97-O-17697; 99-O-12835), (hereinafter "955 Order") which required
20 respondent to comply with rule 955, California Rules of Court, and to perform the acts specified
21 in subdivisions (a) and (b) of rule 955, California Rules of Court, within 30 and 40 days,
22 respectively, after the effective date of the Supreme Court Order. Attached hereto as Exhibit 1 is
23 a copy of the 955 Order.

24 4. Specifically, the 955 Order required respondent to notify all clients and co-counsel
25 of his suspension, deliver to all clients any papers or other property to which the clients are
26 entitled, refund any unearned attorney fees, notify opposing counsel and adverse parties of his
27 suspension, and file a copy of said notice with the court, agency, or tribunal before which the
28 litigation is pending. Respondent was further required to file with the Clerk of the State Bar
29 Court an affidavit showing that he fully complied with these requirements. The 955 Order became
30 effective on August 24, 2002.

1 5. Promptly after filing, a copy of the 955 Order properly was served by the Office of
2 the Clerk of the Supreme Court, pursuant to Rule of Court 24(a), on respondent by first class
3 mail, postage prepaid.

4 6. On or about August 1, 2002, Lydia Dineros of the Probation Unit sent respondent
5 a letter advising him that his 955 Declaration should be filed no later than October 3, 2002. The
6 letter was placed in a sealed envelope correctly addressed to respondent at his address as
7 maintained by the State Bar in accordance with Business and Professions Code section 6002.1.
8 The letter was properly mailed by first class mail, postage prepaid, by depositing for collection by
9 the United States Postal Service in the ordinary course of business on or about the date on the
10 letter. The United States Postal Service did not return the letter sent to Respondent as
11 undeliverable or for any other reason.

12 7. Respondent did not file his 955 Declaration on or before October 3, 2002.

13 8. Respondent filed his 955 Declaration on November 1, 2002.

14 9. By the foregoing conduct, respondent wilfully failed to comply with an order of the
15 California Supreme Court.

16 **NOTICE - INACTIVE ENROLLMENT!**

17 **YOU ARE HEREBY FURTHER NOTIFIED THAT IF THE STATE BAR**
18 **COURT FINDS, PURSUANT TO BUSINESS AND PROFESSIONS CODE**
19 **SECTION 6007(c), THAT YOUR CONDUCT POSES A SUBSTANTIAL**
20 **THREAT OF HARM TO THE INTERESTS OF YOUR CLIENTS OR TO THE**
21 **PUBLIC, YOU MAY BE INVOLUNTARILY ENROLLED AS AN INACTIVE**
22 **MEMBER OF THE STATE BAR. YOUR INACTIVE ENROLLMENT**
23 **WOULD BE IN ADDITION TO ANY DISCIPLINE RECOMMENDED BY**
24 **THE COURT. SEE RULE 101(c), RULES OF PROCEDURE OF THE STATE**
25 **BAR.**

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Respectfully submitted,

Dated: December 5, 2002

By: Emmer Roguo
ESTHER ROGERS
Deputy Trial Counsel

(State Bar Court Case No. 97-O-17697; 99-O-12835)

S106743

SUPREME COURT
FILED

IN THE SUPREME COURT OF CALIFORNIA

JUL 25 2002

EN BANC

Frederick K. Ohlrich Clerk

DEPUTY

IN RE THOMAS C. CRENSHAW ON DISCIPLINE

It is ordered that THOMAS C. CRENSHAW, State Bar No. 87285, be suspended from the practice of law for two years and until he has shown proof satisfactory to the State Bar Court of his rehabilitation, fitness to practice and learning and ability in the general law pursuant to standard 1.4(c)(ii) of the Standards for Attorney Sanctions for Professional Misconduct, that execution of the suspension be stayed, and that he be placed on probation for two years on condition that he be actually suspended for 15 months. Respondent is further ordered to comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed on March 12, 2002. It is also ordered that Respondent take and pass the Multistate Professional Responsibility Examination during the period of his actual suspension. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) If Respondent is actually suspended for two years or more, Respondent shall remain actually suspended until he provides proof satisfactory to the State Bar Court of his rehabilitation, fitness to practice and learning and ability in the general law pursuant to standard 1.4(c)(ii). Respondent is further ordered to comply with rule 955 of the California Rules of Court, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the effective date of this order.* Costs are awarded to the State Bar in accordance with Business & Professions Code section 6086.10 and payable in accordance with Business & Professions Code section 6140.7.

*(See Bus. and Prof. Code, § 6126, subd. (c).)

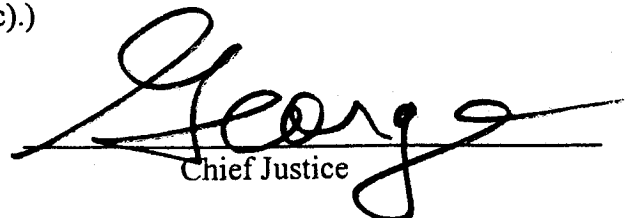

Chief Justice

EXHIBIT 1

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I, the undersigned, over the age of eighteen (18) years, whose business address and place of employment is the State Bar of California, 180 Howard Street, San Francisco, California 94105, declare that I am not a party to the within action; that I am readily familiar with the State Bar of California's practice for collection and processing of correspondence for mailing with the United States Postal Service; that in the ordinary course of the State Bar of California's practice, correspondence collected and processed by the State Bar of California would be deposited with the United States Postal Service that same day; that I am aware that on motion of party served, service is presumed invalid if postal cancellation date or postage meter date on the envelope or package is more than one day after date of deposit for mailing contained in the affidavit. That in accordance with the practice of the State Bar of California for collection and processing of mail, I deposited or placed for collection and mailing in the City and County of San Francisco, on the date shown below, a true copy of the within

in a sealed envelope placed for collection and mailing at San Francisco, on the date shown below, addressed to:

CERTIFIED MAIL
7160 3901 9844 8535 5781
Return Receipt Requested

in an inter-office mail facility regularly maintained by the State Bar of California addressed to:

N/A

DATED: 12/5/02 SIGNED: Lois Hayward
Declarant